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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,954	12/30/2003	Alfred Hernandez	24662.2	7882
41781	7590	12/14/2004	EXAMINER	
KAMMER BROWNING PLLC 7700 BROADWAY, SUITE 202 SAN ANTONIO, TX 78209			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER

3618

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,954	Applicant(s) HERNANDEZ, ALFRED	
	Examiner Hau V Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/30/2003 has been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinto et al. (5,899,469).**

Pinto et al. in figures 2-8, disclose an improved wheeled carriage having a frame and a plurality of wheel assemblies at least one of which wheel assemblies is a caster wheel assembly. The improvement comprises a caster wheel support assembly comprising a rotatable caster pivot shaft (10), one end of which retains a rotatable wheel (2) and a second end of which extends through a bearing housing (12). The caster pivot shaft has a radial index aperture (28) positioned on the cylindrical surface of said caster pivot shaft. Pinto et al. also disclose a retractable retention pin (24) positioned proximate to the radial index aperture in the caster pivot shaft and alternately movable between a position engaging the aperture and a position removed from the aperture. Pinto et al. also disclose a control cable (as shown in figures 2 and 8)

connected to the retractable retention pin and a remote release mechanism connected to a distal end of the control cable in a manner that allows the longitudinal movement of the control cable and thereby the longitudinal movement of the retention pin in a manner that alternately introduces or removes the retention pin from the aperture.

Regarding claim 2, Pinto et al. disclose a spring (not shown, col. 5, lines 49-53) that preferences the retention pin to be introduced into the aperture unless the control cable operates against the force of the spring to remove the retention pin from the aperture.

Regarding claim 4, Pinto et al. disclose the retention pin, which is positioned proximate to the aperture in the caster pivot shaft and is enclosed within a pin housing (16) attached to the bearing housing. The control cable extends through an aperture in the cylindrical pin housing to its point of connection with the retention pin.

Regarding claim 5, Pinto et al. disclose remote release mechanism that is positioned on a user accessible portion of the wheeled carriage (figure 8).

Regarding claim 6, Pinto et al. disclose the caster wheel support assembly that is positioned on a front portion of the wheeled carriage.

Regarding claim 7, Pinto et al. disclose the remote release mechanism may be fixed in an actuated condition such that the retention pin is removed from the aperture without requiring retention of the user's hand on the remote release mechanism.

Regarding claim 8, Pinto et al. disclose the retention pin further comprising a spring (not shown, col. 5, lines 49-53) that preferences the retention pin to be removed

from the aperture unless the control cable operates against the force of the spring to introduce the retention pin into the aperture.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto et al. (5,899,469) as applied to claim 1 above, and further in view of Henriksson (5,279,180).**

Pinto et al. disclose the remote release mechanism, which can be any mechanical means suitable for extending and retracting the pin out of and back into the aperture in the caster pivot shaft, but fail to show a hand operated lever assembly.

Henriksson in figure 1, teaches an actuating device comprising a hand operated lever assembly, which can be used to actuate a brake or other wheel apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote release mechanism of Pinto et al. with the actuating device having a hand operated lever assembly as taught by Henriksson in such a manner that a smaller or shorter operative movement need to be carried out for achieving the necessary stroke length for imparting the movement or actuation to the object which is to be actuated.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elberly discloses a truck mounting, , Morlik discloses an adjustable wheeled assembly, Stosberg et al. disclose a locable runners, Sachser disclose a caster for furniture and the like.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau Phan
12/8/04

Hau V Phan
Examiner
Art Unit 3618

**HAU PHAN
PATENT EXAMINER**